IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

LA.App..No. 180 of 2003(D)

LAR.49/1998 of PRL.SUB COURT, KOZHIKODE
.....

APPELLANT: RESPONDENT

STATE OF KERALA

BY GOVERNMENT PLEADER SRI K.V.MANOJKUMAR

RESPONDENT: CLAIMANT

CHAKRAYAM VALAPPIL PUTHIYAPURAYIL,
KUNHEEBI, W/O. N.M. ABOOBACKER KOYA,
KARIKKAMKULAM, P.O. KARAPARAMBA, VENGERI VILLAGE,
KOZHIKODE.

BY ADV. SRI.K.B.MUHAMED KUTTY
SRI.K.M.FIROZ

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 16/10/2007 ALONG WITH CO NO. 14 OF 2004, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.180 of 2003 & Cross-objection No.14/2004

Dated: October 16, 2007

JUDGMENT

Kurian Joseph, J.

This is an appeal filed by the State aggrieved by the fixation of land value as per the judgment and decree in LAR No.49/1998 on the file of the Sub Court, Kozhikode. The cross-objector/claimant is aggrieved due to insufficiency of the market value as well as fixation of the value of structures. It is brought to our notice that this court has remanded LAR No.452/997 (Ext.A3 - the relied on judgment in LAA No.336/2002). In that view of the matter it is not necessary to consider the rival contentions taken by the appellant and the cross-objector on merits. For parity of reasons stated in LAA No.336/2002, we set aside the judgment and decree in LAR No.49/1998 and remand the Land Acquisition Reference and the cross-objection to the Reference Court for fresh consideration. We make it clear that in view of the remand as above, it will be open to the parties to adduce fresh evidence including evidence on the value of the structure and the claim for enhancement of compensation. In view of the remand as above, the cross-objector shall be entitled to refund of court fee. We make it clear that the claimant shall be entitled to all the statutory benefits including interest on solatium. The parties shall appear before the court below on 26.11.2007.

KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE

mt/-

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.No.180 of 2003 &
Cross-objection No.14/2004

JUDGMENT

16.9.2007